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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,558	01/23/2002	Masakazu Murata	Q68146	4922

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EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
2684	4

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/052,558

Applicant(s)

MURATA, MASAKAZU

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 1001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaswamy (Ramaswamy et al.; US Patent No.: 6,668,178 B1) in view of Gerdisch (Gerdisch, Mitchell R.; US Patent No.: 6,480,727 B1).

Regarding claims 1, 7 and 13, Ramaswamy teaches of a wireless communication method (column 4, lines 61-67), network (column 2, lines 41-45) comprising: a base station (figure 1, item 110); a base station controller connected to the base station (figure 1, item 110; where a BSC is inherent of a BS); wireless communication terminal (column 1, lines 49-50; e.g., "wireless handsets") comprising: wireless communication circuitry for establishing a wireless communication channel to a network (column 1, lines 50-52; where the transceiver provides the means to link the terminal to a network through a channel) and internal power source and an external power source (column 1, lines 57-62; e.g., "battery power supply " corresponding to an internal power source and "AC power" corresponding to an external power source); control circuitry for energizing the wireless communication terminal with the external power source and energizing the wireless communication terminal with the

internal power source when the external power source is faulty (column 2, lines 46-51; where it is inherent in the art to possess the circuitry to perform the function of providing backup power when AC power supply fails);

Ramaswamy does not necessarily teach of monitor circuitry for monitoring the external power source and sending a message from the wireless communication circuitry to the network when the communication terminal is operating with the internal power source.

In related art concerning using inactivity levels to extend subscriber's equipment battery life, Gerdisch teaches of monitor circuitry for monitoring the external power source and sending a message from the wireless communication circuitry to the network when the communication terminal is operating with the internal power source (column 2, lines 1-20; where the flag indicates of a power failure and informs of the level of inactivity/activity of the backup battery).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Ramaswamy's method, network and terminal with internal and external power source with Gerdisch's communicative circuitry in order to preserve internal unit power when a power outage occurs.

Regarding claim 2, 8 and 14, Ramaswamy in view of Gerdisch teaches all the limitations of claim 1. Gerdisch further teaches where the monitor circuitry transmits the message when no call is in progress (column 2, lines 7-11; where the inactivity level indicates no call in progress) and transmits a second message from the wireless communication circuitry to the network when the communication terminal is operating with the internal power source when a call is

in progress (column 2, lines 15-20; where the “incremental registration” is required due to use of the unit; e.g., “call in progress”).

Regarding claim 3, 9 and 15, Ramaswamy in view of Gerdisch teaches all the limitations of claim 1. Gerdisch further teaches where the message indicates that the internal power source is producing a voltage which is lower than a critical level (column 6, lines 33-39; see also table 2; where the status).

Regarding claim 4, 10 and 16, Ramaswamy in view of Gerdisch teaches all the limitations of claim 2. Gerdisch further teaches where the second message indicates that the internal power source is producing a voltage which is lower than a critical level (column 6, lines 33-39; see also table 2;).

Regarding claim 5, 11 and 17, Ramaswamy in view of Gerdisch teaches all the limitations of claim 2. Gerdisch further teaches where the wireless communication channel is a fixed wireless access (FWA) channel (column 1, lines 26-29; where fixed access units communicate through “FWA channels”).

Regarding claim 6, 12 and 18, Ramaswamy in view of Gerdisch teaches all the limitations of claim 5. Gerdisch further teaches where the messages are sent in a data format specified by ANSI/(American National Standard Institute)/TIA (Telecommunications Industry Association)/EIA (Electronic Industries Alliance)-95B standard (column 3, lines 11-15; where “IS-136 corresponds to EIA/TIA standard).

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**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No.: 6,181,916 B1, refers to mode changing method in power failure situations.

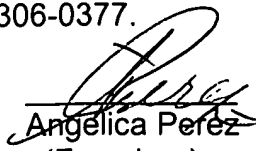
US Patent No.: 5,870,685 A, refers to power operations management on battery capacity.

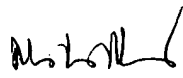
Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

  
Angelica Perez  
(Examiner)  
June 9, 2004

  
NAY MAUNG  
SUPERVISORY PATENT EXAMINER  
Art Unit 2684